

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6823

BILL NUMBER: SB 300

NOTE PREPARED: Jan 1, 2013

BILL AMENDED:

SUBJECT: Alcohol Consumption by a Minor.

FIRST AUTHOR: Sen. Taylor

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes it a Class B misdemeanor for a person at least 21 years of age to recklessly, knowingly, or intentionally allow a minor to consume an alcoholic beverage on property owned, leased, or controlled by the person.

The bill makes it a Class B misdemeanor for a person at least 21 years of age to rent a hotel or motel room knowing that the hotel or motel room will be used for the consumption of alcoholic beverages by a minor.

The bill specifies that a judgment for a violation is in addition to any criminal penalty that may be imposed for contributing to the delinquency of a minor.

The bill also provides that the criminal provisions regarding selling or furnishing alcoholic beverages to a minor or allowing a minor to consume an alcoholic beverage on the property owned, leased, or controlled by the person does not preclude a tort claim against the person.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues: The bill provides for a Class B misdemeanor for individuals violating provisions involving minors and alcohol consumption. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. It is unknown

how many additional cases might occur.

If the case is filed in a circuit or superior court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Chuck Mayfield, 317-232-4825.